

DECISION



19358
Hordell
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-204018.3

DATE: September 10, 1981

MATTER OF: Bay Ridge Ambulance & Oxygen Service

DIGEST:

Where an offeror does not submit a proposal, the offeror is ineligible for award and, therefore, does not have direct and substantial interest with regard to award under the request for proposals so as to be regarded as "interested" under GAO's Bid Protest Procedures.

Bay Ridge Ambulance & Oxygen Service (Bay Ridge) protests the proposed award of a contract to AID Ambulance Service, Inc. (AID), for ambulance services under request for proposals (RFP) No. NOO140-81-R-BH 83 issued by the Department of the Navy, Naval Regional Contracting Office, Newport, Rhode Island (Navy). Bay Ridge alleges that AID's ambulances do not meet the specification (No. KKK-A-1822) set forth in the RFP.

Bay Ridge did not submit a proposal under this RFP. However, two other companies that submitted proposals have filed protests with our Office concerning the RFP. One of those protesters also objects to any award to AID.

Bay Ridge is not eligible to maintain a protest under this RFP. A party must be "interested" under our Bid Protest Procedures, 4 C.F.R. part 21 (1981), in order to have its protest considered by this Office. Determining whether a party is sufficiently interested involves consideration of the party's status in relation to the procurement, the nature of the issues involved and how these circumstances show the existence of a direct and/or substantial economic interest

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on the part of the protester. Cardion Electronics,
B-193752, June 8, 1979, 79-1 CPD 406.

Bay Ridge's failure to submit a proposal makes the company ineligible for award. Even if we were to sustain Bay Ridge's protest, it would not receive award of this contract because it did not submit a proposal to the Navy and other companies which submitted proposals and have protested the award to AID are in line for the award if their protests are sustained. Accordingly, Bay Ridge does not have the requisite interest necessary to have our Office consider its protest.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel